## REMARKS

Claims 1-4, 6, 7, 9, 11, 16, 20, 26, 29 and 35 stand rejected as being anticipated

under 35 USC § 102(b) by US Pat. App. Pub. No. 2001/0022615 (hereafter Fernandez).

Claims 19, 21, 22, 30, 31 and 36 stand rejected under 35 USC § 103(a) as being

unpatentable over Fernandez in view of US Pat. No. 6,182,203 (hereafter Simar).

Claims 5, 8, 10, 17, 18, 23-25, 27, 28, 32-34 and 37 stand objected to due to their

dependence on a rejected base claim but appear to otherwise be allowable.

The Office Action proposes that ¶ 0016 of Fernandez demonstrates the plurality of

processing units claimed by applicants in claim 1.

> [0016] Controller 6 may include one or more standard digital microprocessor unit, operating
> system software (e.g., Windows, NT, CE, etc.), digital storage devices (e.g., disk, memory,
> cache, etc.), output/input devices (e.g., keyboard, monitor, mouse, microphone, speaker,
> camera, etc.). Furthermore, controller 6 may include conventional network accessing interface
> firmware or circuit, such as Ethernet card, and remote processing or network access software
> such as web browser (e.g., Netscape Navigator, Microsoft Explorer, etc.), preferably using
> conventional or proprietary text, graphics, and other media format, such as Hyper Text
> Markup Language (HTML), Extensible Markup Language (XML), JAVA, or streamed video
> or audio data format. In this configuration, real-time or stored remote and/or local access is
> achieved via the Internet or functionally equivalent enterprise or intranet network of object
> data to or from one or more target units 4, for example, in accordance with the present
> invention.

This paragraph indicates that one or more standard digital microprocessor units

may be used in the particular system disclosed by Fernandez.

The Office Action further proposes that a monitor to transfer a process from a first

processing unit (i.e., allegedly the digital microprocessor unit of ¶ 0016) of said plurality

of processing units to a second processing unit of said plurality of processing units is also

shown in Fernandez, specifically at ¶ 0012, which states:

> [0012] Preferred integrated network monitoring system includes one or more central console
> controller or user processor 6 coupled to digital switch or other selectively accessible, packet
> and/or circuit-switched network communications infrastructure 8. Network 8 may be
> functional aggregate of multiple sub-n tworks including conventional or proprietary

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networking equipment for enabling access to and/or through the World Wide Web (WWW), or other functionally equivalent local and/or wide area network (LAN/WAN) interconnectivity.

While paragraph 0012 does use the term "switch", it does not appear to applicants that the switching involved pertains to the transfer of processes from one processing unit of ¶ 0016 to a second processing unit of a plurality of processing units. Applicants submit that ¶ 0012 discusses switching in the context of describing a circuit-switched communication network. While such networks communicate information, applicants submit that it is inaccurate to characterize a network (circuit-switched or otherwise) as demonstrating a transfer of a process from one processing unit to another processing unit.

Applicants submit that Fernandez' failure to disclose the transferring of processes between processing units according to a monitor is not surprising. Fernandez generally pertains to the monitoring of remote objects. Fernandez' Abstract states:

> Integrated imaging and GPS network monitors remote object movement. Browser interface displays objects and detectors. Database stores object position movement. Cameras detect objects and generate image signal. Internet provides selectable connection between system controller and various cameras according to object positions (emphasis added).

Published claim 1 also clearly indicates that Fernandez pertains to the monitoring of remote objects.

Applicant submits that applicants' claims are not so broad as to impinge upon the remote object monitoring of objects as disclosed in Fernandez. While Fernandez discusses many different types of monitoring, i.e., visual (¶ 0023), magnetic (¶ 0024), tactile (¶ 0024), medical (¶ 0024), temperature (¶ 0024), etc., this monitoring does not trigger the movement of processing to different processing units responsive to the monitoring values that are obtained.

Rather, Fernandez is concerned with tracking object positions, status, and the like

and using the information for many very different purposes such as, *inter alia*, surveillance (¶ 0038), patient monitoring (¶ 0039), fraud detection (¶ 0083), transaction processing / localized marketing (¶¶ 0085 – 90). Applicant submits that none of the described actions that result from the monitoring in Fernandez are the transfer of a process from one of a plurality of processing units to another of a plurality of processing units. Thus, applicant submits that Fernandez' disclosure fails to demonstrate a base concept being claimed in claim 1.

With respect to claim 2, the Office Action refers to ¶ 0073 for the proposition that Fernandez transfers processes from the first processing unit to the second processing unit in response to a first one of said plurality of monitor values being greater than a second one of said plurality of monitor values over a period of time.

> [0073] Then, after certain time interval elapsed from initial object monitoring event, next object monitoring event occurs. Subsequent object surveillance sessions may occur according to random, regular, intermittent, or otherwise scheduled or triggered times (e.g., by mobile accelerometer or fixed motion detector activates in response to object movement). Also, sessions may be repeated to provide iterative calculations of more refined and accurate measurements of object movement, for example, using smaller time intervals.

Although this paragraph refers to various elapsed times for monitoring events, it fails to disclose that transferring of processes between a plurality of processing units should be performed in response to a first value remaining greater than a second value over a period of time. Therefore, additionally, applicant believes that claim 2 is not met.

With respect to claim 3, applicant believes that the monitoring and related activity of Fernandez is so far removed from applicants' claimed invention that applicant believes that the long laundry lists of activities recited in Fernandez are not even relevant because the reference may be considered to be essentially non-analogous art. Additionally, however, applicant submits that activity level estimation or a power consumption

estimate of a processing unit is not suggested in ¶ 0024 of Fernandez. Moreover, the reference to temperature is to that of a patient, not a processing unit or set of components or a whole electronic apparatus.

With respect to claim 6, the Office Action proposes that Fernandez teaches an exchange module in ¶ 0019 and Figure 1. Applicant respectfully disagrees. Applicant does not find any mention of exchanging processes between processing units in this paragraph.

With respect to claim 7, the Office Action proposes that Fernandez teaches a move module to move one process from one of the plurality of processing units to another one of the processing units that is idle in ¶ 0032. Applicants respectfully disagree on this interpretation as well. Applicants submit that ¶ 0032 does not pertain to the movement of a process from one processing unit to another processing unit that is idle. ¶ 0032 does discuss that various target units that track the objects may move and that their portable power source may run out, but this does not suggest that processing of one process may be moved by a monitor from one of a plurality of processing units to another of a plurality of processing units that is idle.

With respect to claim 9, the Office Action proposes that Fernandez teaches applicants' claimed use of a cache in ¶ 0016. However, applicants submit that ¶ 0016 says nothing about swapping processes between processing units by saving state variables into a cache and restoring state variables from the cache.

With respect to claim 11, applicant submits that ¶ 0121 does not teach that the various processing units may have separate power wells and that the separate processing units may be operated at different voltages and frequencies under control of the monitor.

With respect to claim 16, the Office Action proposes that Fernandez teaches a monitor that re-allocates processes to different ones of said plurality of processing units in response to the monitor information received from the plurality of processing units in ¶¶ 0012 & 0028. ¶ 0012 was discussed above as not teaching the transfer of processes. Likewise, ¶ 0012 does not teach a monitor that re-allocates processes as claimed in claim 16. Moreover, although ¶ 0028 discusses functional equivalency or redundancy, again there is no teaching of a monitor re-allocating processes in response to monitor information received from a plurality of processing units.

With respect to claims 20, 29 and 35, the Office Action proposes that swapping processes among a plurality of processing units is shown by Fernandez at ¶ 0019.

> [0019] In this combined or integrated fixed and mobile network arrangement, controller 6, which in combination with network 8, communicator 7, as well as servers 5 and corresponding detectors 3 coupled thereto are located in relative fixed locations, and communicates with or effectively monitors through network 8. Preferably such arrangement uses conventional TCP/IP protocol Internet website addressing scheme, one or more fixed or movable object 2. This is performed by accessing real-time object data or other contextual information available or accessible via public or private IP address or other website associated with or supported by one or more detector 3-server 5 coupled pair. Detector-server coupling sites are disposed within detecting, viewing, or other physically proximate range relative to one or more specified object or set of objects 2.

Applicant submits that a careful review of ¶ 0019 demonstrates that Fernandez simply does not teach the moving or swapping of processes between processing unit responsive to monitoring or monitor values as claimed.

With respect to the § 103 rejections of claim 19, 21, 22, 30, 31 and 36, applicants respectfully submit that these rejections should be withdrawn because Fernandez does not truly show the limitations alleged in the Office Action. Additionally, as applicant discusses below, Simar does not provide the remaining limitations. Furthermore, applicant submits that the provided motivations to combine the references fall short of

making a *prima facie* case of obviousness. Applicants will not further discuss the shortcoming of Fernandez with respect to the § 103-rejected claims because they are believed to be fully addressed and/or apparent in view of the discussions above of the other claims.

With respect to Simar, the portion of the specification cited with respect to claim 19 and paraphrased in the Office Action discusses mathematical units and a power down mode that may be exited if an enabled interrupt occurs. Exiting a powerdown mode when an interrupt occurs differs from a sum module that throttles processing of one or more of said plurality of processing units if a sum total of power consumption of said plurality of processing units exceeds a selected total power consumption metric. Thus, even if Simar and Fernandez are combined, the claim elements in claim 19 are not provided.

With respect to the combination of these references, it is not at all apparent why the particular features highlighted in Simar would be useful in Fernandez' system. The Office Action contends that it is obvious because one of the features of the DSP is to process arithmetic functions and to service interrupts while in power-down. This is classic hindsight reconstruction, which is impermissible. Merely stating that the missing features from one reference are present in another does not justify what would have inspired one to make such a combination. The inspiration of course is a review of applicants' disclosure which does put those elements together (of course the caveat applies here that applicants do not agree that the individual elements have been demonstrated either). Applicant submits that there are no objective indicia form the references or known in the art as to why these references would be combined in the proposed manner.

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With respect to claims 21, 30 and 36, applicant submits that although Simar has a cache, Simar nor any combination of Simar and Fernandez teaches exchanging processes via a cache. Applicant also reiterates that no proper motivation is shown to form this combination as discussed above with respect to claim 19.

With respect to claims 22 and 31, the Office Action argues that Simar's teaching of three power down modes at col. 84, ll. 14-33 demonstrates moving a process from a first one of said plurality of processing units in response to monitoring power consumption of said plurality of processing units. However, no such causal relationship of moving processes from a first one of said plurality of processing units in response to monitoring power consumption of said plurality of processing units has been demonstrated from either reference.

Conclusion

Applicant has given at least one reason justifying patentability of all claims, and has not attempted to point out the numerous ways to justify patentability of all the different claims.

As to any remaining combinations formed by dependent claims and not specifically addressed, applicant does not concede that they are obvious or anticipated. Rather, rejections of these claims are overcome since at least the base combination is not anticipated nor obvious in view of the prior art. Consequently, applicant submits that there also can be no motivation shown in the art to form the additionally limited combination claimed in such dependent claims since the prior art does not anticipate or make obvious the base combination.
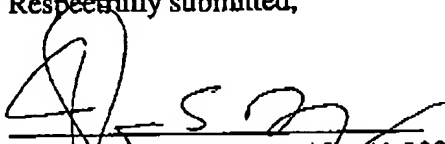
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Amendments which are not specifically discussed with respect to overcoming a particular art objection have not been made in order to overcome the prior art.

Applicants submit that all claims now pending are in condition for allowance. Such action is earnestly solicited at the earliest possible date. If there is a deficiency in fees, please charge our Deposit Acct. No. 02-2666.

Respectfully submitted,

Date: 11 3 03

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